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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

DENNIS VINCENT MCGUIRE,

Defendant and Appellant.

H040328

(Santa Clara County

Super. Ct. No. C1240621)

As part of a plea agreement, defendant Dennis Vincent McGuire pleaded no contest to tampering with a passenger transit system (Pen. Code, § 625c; count one) and grand theft (Pen. Code, §§ 484, 487, subd. (a); count two), both felonies, arising out of damage to, and theft of, parts of the Valley Transit Authority transit system. Defendant also admitted six prior prison terms. (Pen. Code, § 667.5, subd. (b).) The court sentenced defendant to the low term of 16 months for count one, which the court deemed fully served due to defendant's 480 days of custody credit. The court imposed a second 16-month term for count two, which it stayed pursuant to Penal Code section 654, and also imposed six one-year prior prison terms but struck them pursuant to Penal Code section 1385. Finally, the court imposed various fines and fees, including a booking fee of \$259.50 that defendant argues should be stricken.

I. DISCUSSION

On appeal, defendant's only argument is that the trial court erred in imposing the booking fee (also known as a "criminal justice administration fee" (Gov. Code, §

29550.2, subd. (a)) and referred to by the court as a “Justice Admission Fee”) because the trial court acknowledged at the change of plea hearing: “There’s a booking fee as high as \$259.50. There was no booking [in] this case. I will not be imposing it.” The People concede that “the fee was erroneously imposed, and should be stricken.” (Citing *People v. Chambers* (1998) 65 Cal.App.4th 819, 823 [striking improperly-imposed restitution fine].) We agree this is the appropriate remedy.

II. DISPOSITION

The judgment is modified to strike the \$259.50 “CJAF” booking fee. As so modified, the judgment is affirmed.

Grover, J.

WE CONCUR:

Bamattre-Manoukian, Acting P.J.

Mihara, J.